

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 15, 2015.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

**CONSENT AGENDA**

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the Regular meeting December 1, 2015 and Joint Council Meeting December 8, 2015; and bills and payroll for the first half of December, 2015.

**Bills and Payroll for the first half of December, 2015**

	<b><u>General Fund</u></b>		
Payroll		\$	260,179.21
Bills		\$	<u>586,132.90</u>
	Total	\$	846,312.11
	<b><u>Hotel Tax Administration</u></b>		
Payroll		\$	2,388.11
Bills		\$	<u>3,645.55</u>
	Total	\$	6,033.66
	<b><u>Festival Mmgt Fund</u></b>		
Bills		\$	<u>1,463.64</u>
		\$	1,463.64
	<b><u>Capital Project Fund</u></b>		
Bills		\$	<u>11,952.06</u>
	Total	\$	11,952.06
	<b><u>Broadway E Bus Dist</u></b>		
Bills		\$	<u>3,354.16</u>
	Total	\$	3,354.16
	<b><u>Water Fund</u></b>		
Payroll		\$	33,347.61
Bills		\$	<u>505,500.21</u>
	Total	\$	538,847.82

	<b><u>Sewer Fund</u></b>		
Payroll	\$		35,303.11
Bills	\$		<u>983,785.95</u>
	Total	\$	1,019,089.06
	<b><u>Heath Insurance Fund</u></b>		
Bills	\$		<u>169,032.71</u>
	Total	\$	169,032.71
	<b><u>Motor Fuel Tax Fund</u></b>		
Bills	\$		<u>14,962.80</u>
	Total	\$	14,962.80

Mayor Gover opened the floor for comments/discussion/questions with no response.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mayor Gover opened the floor for Public comments with no response.

Ms. Ingrid Minger, Media Service Coordinator of Mattoon Middle School, introduced to the Council the Ready to Read Across Mattoon program, and Mattoon Middle School students: Miss Sage Owen and Miss Molly Auer. The students explained the program, book selection process, book description; announced the book title: Michael Vey: The Prisoner of Cell 25 by Richard Paul Evans; and distributed the books to attendees. The group left the meeting at 6:37 p.m.

**NEW BUSINESS**

Mayor Gover seconded by Commissioner Owen moved to adopt Resolution No. 2015-2950, approving an amendment to the services agreement with Good Energy, L.L.P. to provide for an extension of the services agreement.

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2015-2950**

**A RESOLUTION APPROVING AN AMENDMENT TO THE SERVICES AGREEMENT WITH GOOD ENERGY L.L.P.**

**WHEREAS**, the City of Mattoon bids electric supply for our residential and small commercial users; and

**WHEREAS**, the City of Mattoon entered into an agreement with Good Energy L.L.P. on August 20, 2012 to assist with the bidding of said electric supply; and

**WHEREAS**, the City of Mattoon and Good Energy L.L.P. wish to extend the existing agreement.



**WHEREAS**, Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1- 92, permits a City, once duly authorized by referendum, to adopt an ordinance by which it may operate a program to solicit bids and enter into service agreements for the sale and purchase of electricity and related services and equipment to residential and small commercial customers who do not opt-out of such a program; and

**WHEREAS**, the City of Mattoon provides an opt-out electric aggregation program for eligible electric accounts within its jurisdiction; and

**WHEREAS**, such aggregation program was authorized by referendum passed by a majority vote of the qualified electors voting on the question; and

**WHEREAS**, because electricity is a commodity for which supply bids typically are made each morning and expire the same day at the close of business, it is necessary for the City to act promptly to accept the desired bid in order to contractually guarantee a per kilowatt hour electric rate for its residential and small commercial customers; and

**WHEREAS**, the City Council of the City of Mattoon finds that the best interests of the City are served by authorizing the Public Works Director to receive and review bids and, in consultation with the City's energy consultant, Good Energy LP, to accept the bid most beneficial to the residents if the City of Mattoon, pursuant to 20 ILCS 3855/1-92, to aggregate the residential and small commercial retail electric loads located within the City and to arrange for competitive electric supply to these retail electrical accounts.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mattoon, Coles County, Illinois, as follows:

**SECTION 1.** The statements set forth in the preambles to this Resolution are hereby found to be true and correct and are hereby incorporated into this Resolution as if set forth in full in Section 1.

**SECTION 2.** The corporate authorities of the City of Mattoon hereby authorize and direct the Public Works Director, or his/her designee, to receive and review bids and, in consultation with the City's energy consultant, Good Energy LP, to accept the bid most beneficial to the residents of the City of Mattoon without further action of the City Council. The Public Works Director, or his/her designee, is hereby authorized to execute a service agreement with the bidder who submits the bid most beneficial to the residents of the City of Mattoon for the supply of electricity for residential and small commercial retail customers who do not opt out of such a program, without further action of the City Council, with said execution and attestation to take place within the applicable time constraints required by the bidder; provided, however, that the energy price to be paid per kilowatt hour pursuant to the service agreement is less than the default rate currently in effect, resulting in savings for the City residential and small commercial retail customers.

**SECTION 3.** All prior actions of the City officials, employees, and agents with respect to the subject matter of this Resolution are hereby expressly ratified.

**SECTION 4.** The provisions of this Resolution are hereby declared to be severable, and should any provision of this Resolution be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as

though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 5.** All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 6.** This Resolution shall be effective immediately and shall remain in effect until rescinded by the City Council of the City of Mattoon.

Upon motion by Mayor Gover, seconded by Commissioner Cox, adopted this 15th day of December, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 15<sup>th</sup> day of December, 2015.

/s/ Tim Gover  
Tim Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/Janett S. Winter-Black  
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for questions/comments/discussion. Director Barber noted an average savings of \$263/customer and \$2 million savings since the start of the aggregation.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to adopt Special Ordinance No. 2015-1613, approving a Utility Easement with Ameren Illinois for the Combined Sewer Overflow (CSO) Satellite Treatment Facility adjacent to the Riley Creek Pump Station located at 2521 North 6th Street to construct and maintain the proposed electrical service.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2015-1613**

**A SPECIAL ORDINANCE APPROVING A UTILITY EASEMENT  
WITH AMEREN ILLINOIS**

**WHEREAS,** the City of Mattoon is preparing to construct a Combined Sewer Overflow (CSO) Satellite Treatment Facility adjacent to the Riley Creek Pump Station at 2521 North 6th Street; and

**WHEREAS,** certain changes to the electrical service for the existing Pump Station are required to facilitate the additional electric load; and

**WHEREAS,** Ameren Illinois has requested a Permanent Easement to construct and maintain the proposed electrical service; and

**WHEREAS,** said Easement is attached as Exhibit ‘A’.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS,** as follows:

**Section 1.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** The Easement for the Electrical Service attached as Exhibit “A” to the Riley Creek Pump Station at 2521 North 6th Street be approved.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 4.** This ordinance shall be effective upon its approval as provided by law.

**Section 5.** The City Clerk shall make and record a duly certified copy of this ordinance with the Clerk and Recorder’s Office of Coles County, Illinois.

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 15th day of December, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 15<sup>th</sup> day of December, 2015.

/s/ Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O’Brien  
Susan J. O’Brien, City Clerk

/s/Janett S. Winter-Black  
Janett Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for comments/questions/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to adopt Special Ordinance No. 2015-1614, approving the transfer of a parcel of real estate near the southwest corner of the intersection of US-45 North and County Road 1000 North from Coles County to the City of Mattoon.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2015-1614**

**AN ORDINANCE AUTHORIZING THE TRANSFER OF REAL ESTATE**

**WHEREAS**, Coles County owns a parcel of property near the southwest corner of the intersection of US-45 North and County Road 1000 North, said property being further described on the Sketch listed as Exhibit 'A', the Survey Plat listed as Exhibit 'B', and the Warranty Deed listed as Exhibit 'C'; and

**WHEREAS**, Coles County considers the property to be unnecessary to the daily operation of the County; and

**WHEREAS**, Coles County considers the property to pose an unnecessary liability to the County; and

**WHEREAS**, the City of Mattoon is interested in obtaining the property for the purpose of construction debris disposal.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, that the real estate transfer from Coles County, Illinois, as detailed on the attached Warranty Deed labeled Exhibit 'C', be approved.

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 15th day of December, 2015, by a roll call vote, as follows:

AYES (Names):           Commissioner Cox, Commissioner Graven,  
                                  Commissioner Hall, Commissioner Owen,  
                                  Mayor Gover

NAYS (Names):         None

ABSENT (Names):      None

Approved this 15<sup>th</sup> day of December, 2015.

/s/ Timothy D. Gover  
Timothy D. Gover, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ Janett S. Winter-Black  
Janett Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for comments/discussion/questions. Commissioner Owen questioned whether the site would be filled with construction debris. Director Barber stated affirmatively. Commissioner Cox noted the savings in dumping fees. Director Barber added the County approved the transfer last week.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to adopt Resolution No. 2015-2952, approving the Real Estate Transfer Agreement between Coles County and the City of Mattoon for a parcel of real estate near the southwest corner of the intersection of US-45 North and County Road 1000 North; and authorizing the Mayor to sign the agreement.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2015-2952**

**A RESOLUTION APPROVING A "REAL ESTATE TRANSFER AGREEMENT" WITH COLES COUNTY, ILLINOIS**

**WHEREAS**, Coles County owns a parcel of property near the southwest corner of the intersection of US-45 North and County Road 1000 North; and

**WHEREAS**, Coles County considers the property to be unnecessary to the daily operation of the County; and

**WHEREAS**, Coles County considers the property to pose an unnecessary liability to the County; and

**WHEREAS**, the City of Mattoon is interested in obtaining the property for the purpose of construction debris disposal; and

**WHEREAS**, the terms of said real estate transfer are established on the Real Estate Agreement attached as Exhibit 'X'.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois:

**Section 1.** That the Real Estate Transfer Agreement with Coles County, Illinois attached as Exhibit "X" be and is hereby approved; and,

**Section 2.** That the Mayor is hereby authorized to execute and sign the Real Estate Transfer Agreement by and between Coles County and the City of Mattoon and any and all other documents necessary to give effect thereto.

**Section 3.** This resolution shall be in full force and effect from and after its adoption and approval as provided by law.

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 15th day of December, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 15<sup>th</sup> day of December, 2015.

/s/ Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/Janett S. Winter-Black  
Janett Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for comments/discussion/questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Owen seconded by Commissioner Hall moved to adopt Ordinance No. 2015-5381, authorizing and providing for the City of Mattoon to execute, enter into and perform a loan agreement not to exceed \$6,413,451 with the Illinois Environmental Protection Agency for the purpose of paying a part of the cost of constructing, improving and extending the City's Sewer Facilities, and making certain covenants in providing for the operation of the city's separate sewerage system. *IEPA Loan*

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**ORDINANCE NO. 2015-5381**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE  
CITY OF MATTOON, COLES COUNTY, ILLINOIS TO  
EXECUTE, ENTER INTO AND PERFORM A LOAN  
AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY FOR THE PURPOSE OF PAYING A  
PART OF THE COST OF CONSTRUCTING, IMPROVING AND**

**EXTENDING THE CITY'S SEWER FACILITIES, AND MAKING  
CERTAIN COVENANTS IN PROVIDING FOR THE  
OPERATION OF THE CITY'S SEWERAGE SYSTEM AND THE  
PLEDGE, DEDICATION, COLLECTION, SEGREGATION AND  
DISTRIBUTION OF THE REVENUES TO BE DERIVED FROM  
THE OPERATION THEREOF.**

**WHEREAS**, the City of Mattoon, Coles County, Illinois (the "**City**"), operates a municipally-owned sewerage system (the "**System**") in accordance with the provisions of Division 141 of Article 11 of the Illinois Municipal Code, Section 5/11-141-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes (as supplemented and amended, including by the Local Government Debt Reform Act, the Intergovernmental Cooperation Act, Section 10 of Article VII of the Constitution of Illinois, the Registered Bond Act, the Illinois Bond Replacement Act, the Bond Authorization Act and applicable Illinois and federal laws (including Section 5/19.1 *et seq.* of Chapter 415 of the Illinois Compiled Statutes, the Water Quality Act of 1987 (33 U.S.C.A. Sec. 1251 *et seq.*)), in connection with the Illinois Environmental Protection Agency's ("**IEPA**") Water Pollution Control Revolving Loan Program (the "**Program**"), (collectively, the "**Act**"); and

**WHEREAS**, the City Council of the City (the "**Corporate Authorities**") has determined that it is advisable, necessary and in the best interest of the City's public health, safety and welfare to undertake a project providing for the acquisition, construction, extension and improvement of the existing sewerage system of the City, including the construction of a combined sewer overflow satellite treatment facility (the "**Project**"), substantially in accordance with the related plans, specifications and cost estimate therefor prepared by the City's engineers, Crawford, Murphy & Tilly, Inc., Springfield, Illinois, which are now on file in the office of the City Clerk and available for public inspection (to which estimate the City adds an amount for costs of issuance); and

**WHEREAS**, the estimated cost of acquiring, constructing and installing the Project, and necessary interest during acquisition, construction and installation, reserves, engineering, legal, financial, discount, printing and publication costs and other expenses preliminary to and in connection with the Project and its financing is anticipated to be paid in whole or in part from proceeds of the hereinafter described obligations; and

**WHEREAS**, costs of the Project, for which the City has insufficient funds, are expected to be paid from funds on hand or already advanced therefor, available grant proceeds, if any, and from obligations payable from the revenues of the System and issued pursuant to the Act, this Ordinance and ordinances preliminary and supplemental to this Ordinance authorizing and providing for the issuance of such obligations, prescribing the details of such obligations and providing for the pledge, dedication, collection, segregation and distribution of the revenues of the System, which obligations are expected to be purchased by the State of Illinois acting by and through the IEPA from funds available therefor in connection with the Program; and

**WHEREAS**, prior to the adoption of this Ordinance, the Corporate Authorities on June 17, 2015, adopted Ordinance No. 2015-5379 (the "**Preliminary Ordinance**") and caused such Preliminary

Ordinance to be published in the *Mattoon Journal Gazette – Charleston Times Courier*, a newspaper published in Decatur, Illinois, and of general circulation in Mattoon, Illinois, with respect to which no petition has been requested from or received by the City Clerk; and

**WHEREAS**, the City has submitted to the IEPA an Application for Financial Assistance related to the Project (Project L17-4844) (as supplemented and amended), which the IEPA has approved or will approve, and the City and the IEPA propose to enter into a Loan Agreement (Project L17-4844) (in the form prepared or to be prepared by the IEPA for financing facilities such as the Project, to be completed, including with insertions, deletions and modifications, in a manner not inconsistent with this Ordinance, and as supplemented and amended, the “**Loan Agreement**”); and

**WHEREAS**, upon entering into the Loan Agreement, the City will not have outstanding any other bonds or obligations payable from the revenues derived from the operation of the System other than the City’s (a) IEPA Loan L17-1187 (the “**1997 IEPA Loan**”) approved by Resolution No. 97-2034 on August 19, 1997 (the “**1997 IEPA Resolution**”) and (b) General Obligation Refunding Bonds (Alternate Revenue Source), Series 2014 (the “**Series 2014 Bonds**” and, together with the Loan Agreement or related bond and any future obligation issued or delivered by the City on a parity therewith, the “**Parity Obligations**”) authorized by Ordinance No. 2014-5368 on May 20, 2014 (the “**Series 2014 Ordinance**” and, together with this Ordinance and any authorizing resolution or ordinance for any of the Parity Obligations, the “**Parity Ordinances**”); and

**WHEREAS**, the City approved Ordinance No. 2015-5380 on October 28, 2015, relating to the Loan Agreement and the financing of the Project, and the Corporate Authorities desire to repeal Ordinance No. 2015-5380 and replace it with this Ordinance; and

**WHEREAS**, in order to facilitate reference, and with no intent to define or limit the provisions hereof, this Ordinance is divided into sections, with titles, as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1. Preambles and Estimate.** The Corporate Authorities hereby find that the representations and statements set forth above in the recitals to this Ordinance are true, correct and complete, and hereby incorporate them into this Ordinance. The Corporate Authorities have caused an estimate to be made of the cost of constructing, extending and improving the System facilities in and for the City, as described above, all in accordance with the detailed plans and specifications previously approved by the Corporate Authorities and now on file in the office of the City Clerk for public inspection and hereby estimate that the total cost thereof is approximately \$6,413,451, of which up to \$6,413,451 is to be paid from the proceeds derived from the Loan Agreement and the related bond.

**Section 2. Useful Life.** The Corporate Authorities hereby determine the period of usefulness of the hereinabove-described Project to be at least twenty-one (21) years from the date of completion of the construction, extension and improving thereof by undertaking the Project.

**Section 3. Insufficient Funds.** The City does not have sufficient funds available for the purpose of paying the costs of the Project, and for the purpose of paying all or a part of the cost thereof it will require the City to enter into, execute, deliver and perform the Loan Agreement and the related bond.

**Section 4. Authorization of Loan Agreement.** For the purpose of defraying a part of the costs of the Project, the City is hereby authorized to enter into the Loan Agreement and issue the related bond under this Ordinance.

(a) The representations, warranties, agreements, covenants, undertakings and other obligations made and contained in the Loan Agreement shall be and are hereby authorized and approved. The Loan Agreement and related bond shall be junior and subordinate to the 1997 IEPA Loan, and in the event of any default in the payment of the debt service obligations of the 1997 IEPA Loan and the Parity Obligations, all of the Net Revenues (as defined herein) will be applied solely to the payment of the principal of and interest on the 1997 IEPA Loan until such default is cured or the 1997 IEPA Loan is paid in full, thereafter the Net Revenues will applied to the payment of the principal of and interest on the Parity Obligations in an equitable manner. The Loan Agreement and related bond shall stand on a parity and be equally and ratably secured with respect to the payment of the debt service obligations from the Net Revenues and in all other respects with the Parity Obligations. The Loan Agreement and related bond shall not have any priority with respect to the payment of the debt service obligations from said Net Revenues or otherwise over the Parity Obligations and the Parity Obligations shall not have any priority with respect to the payment of principal or interest from said Net Revenues or otherwise over the Loan Agreement or related bond.

(i) The Loan Agreement and the related bond shall be and are hereby authorized and approved. The Mayor, under the City's seal and attested by the City Clerk, shall be and is hereby authorized and directed to execute and deliver the Loan Agreement and the related bond for and on behalf of the City, with such insertions, deletions and modifications, not inconsistent with this Ordinance, as the Mayor shall approve, such approval being conclusive of the approval of the Corporate Authorities without any further authorization than this Ordinance.

(ii) From and after the full execution and delivery of the Loan Agreement and the related bond, the appropriate officers, agents, attorneys and employees of the City are authorized to take all supplemental actions, including the execution and delivery of related supplemental agreements, certificates, documents and instruments not inconsistent with the Loan Agreement and the related bond, desirable or necessary to implement and otherwise give full effect to the Loan Agreement and the related bond.

(b) The principal element of the debt service obligation set forth in the Loan Agreement or related bond, which shall be up to but not in excess of \$6,413,451, shall mature in a time period as provided in the Loan Agreement, but not to exceed 20 years, and the unpaid principal thereof shall bear interest at an interest rate of not to exceed 1.86% per annum and shall have such other terms and provisions, all as provided in the Loan Agreement and otherwise under this Ordinance.

(c) The debt service obligations set forth in the Loan Agreement shall be subject to prepayment, as a whole or in part, at the option of the City, in the inverse order of their due date at any time at a price equal to the principal amount thereof to be prepaid and accrued interest to the date of prepayment, but subject to all conditions and provisions, if any, as set forth in the Loan Agreement and this Ordinance. The City may not prepay the debt service obligations under the Loan Agreement or any Parity Obligations until the 1997 IEPA Loan has been paid in full, except for any prepayment described in Section 8 hereof with excess proceeds of the Loan Agreement.

(d) No debt service obligation under or in respect of this Ordinance, subject to the Loan Agreement shall be deemed outstanding hereunder (i) which shall have matured and for which moneys are on deposit with proper paying agents, or are otherwise properly available, sufficient to pay all principal and interest thereof, or (ii) the provision for payment of which has been made by the City by the deposit in an irrevocable trust or escrow of funds or direct, full faith and credit obligations of the United States of America, the principal and interest of which will be sufficient to pay at maturity or as called for redemption or prepayment all the principal of and interest on such obligations.

(e) The Loan Agreement and the related bond hereunder may have such details, terms and provisions, including other than as specifically provided herein as shall be set forth in the Final Terms Certificate. For purposes hereof the term “**Final Terms Certificate**” means, as applicable to the Loan Agreement, a certificate signed by the Mayor, and attested by the City Clerk and under the seal of the City, setting forth and specifying details, terms and provisions of and related to the Loan Agreement and the related bond, including, but not limited to, aggregate principal amount, final interest rates, optional or mandatory call provisions, payment dates, the final maturity schedule, loan number, identification of fiscal agents and additional or supplemental security (including as to reserves and depreciation) and provisions as necessary or desirable to qualify under applicable federal laws, and the bond form shall be conformed to the Final Terms Certificate, if any.

**Section 5. Debt Service.** The debt service obligations under the Loan Agreement and related bond shall be payable in lawful money of the United States of America by check or draft of the City mailed to the holder thereof at the addresses of such holder as shown in the Loan Agreement.

The Loan Agreement shall be signed by the Mayor, sealed with the corporate seal of the City and, as applicable, attested by the City Clerk. The use of the facsimile signatures of such officers, and a facsimile of the official City seal of the City, are hereby authorized in lieu of manual signatures and a manual seal impression.

The debt service obligations of the Loan Agreement and the related bond shall be payable solely from revenues derived from the System as provided in this Ordinance, including increased user charges, but shall not, in any event, constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation. The net revenues derived from the System are hereby pledged by the City to the payment of the principal of and interest on the Loan Agreement and related bond.

**Section 6. Revenue Bond Equivalent.** To the extent required by applicable law, and otherwise to be given no effect, the obligations of the City under the Loan Agreement shall be deemed to constitute a revenue bond under Section 11-141-1 *et seq.* of the Illinois Municipal Code in substantially the form as attached hereto **Exhibit A**.

If the Loan Agreement is executed and delivered, whether or not fully disbursed with respect to the loan thereunder, the bond above shall be deemed issued, whether or not in fact signed, executed and delivered, this Ordinance to constitute the issuance thereof. The debt service obligations of the bond and the Loan Agreement constitute one and the same debt service obligation.

**Section 7. Designation of Sewerage Fund.** There are hereby created or ratified and ordered to be established and maintained in the treasury of the City the following separate funds and accounts to be known respectively as the:

- (a) Construction Account.
- (b) Sewerage Fund.
- (c) Operation and Maintenance Account.
- (d) Bond and Interest Account, which shall contain a Senior Debt Service Account, a Senior Reserve Account, a Junior Debt Service Account and a Junior Reserve Account (each with subaccounts for the respective obligations as set out in the governing documents thereto).
- (e) Depreciation Account.
- (f) Surplus Account.

The funds and accounts referred to in paragraphs (a) through (f) of this Section shall be maintained and administered by the City solely for the purposes and in the manner as provided in the Act, the 1997 IEPA Resolution and the Parity Ordinances.

**Section 8. Deposit of Proceeds.** The net proceeds received from the IEPA under the Loan Agreement shall be deposited in the Construction Account, which funds shall be kept separate and apart from all other funds of the City. Subject to the last paragraph of this section and any requirements of the Loan Agreement, such funds shall be held and used solely to acquire, construct and install the proposed Project as provided for by this Ordinance, and such funds shall be withdrawn from the Construction Account from time to time by the Treasurer of the City only upon submission of the following:

- (a) A duplicate of the order signed by the Mayor and City Clerk stating specifically the purpose for which the order is issued and indicating that the payment for which the order is issued has been approved by the Corporate Authorities; and
- (b) Each withdrawal of funds by the Treasurer for payment to a contractor or contractors for work done in connection with the Project shall also be accompanied by a certificate executed by the engineer in charge of the work stating the nature of the work completed and the amount due and payable thereon.

Within ninety (90) days after completion of the work in accordance with the plans and specifications therefor, hereinabove referred to in this Ordinance, and after all construction costs have been paid in connection therewith, the engineers shall certify to the Corporate Authorities the fact that the work described herein has been completed according to the plans and specifications therefor, and upon approval by the Corporate Authorities of the completion of the work based upon such engineer's certificate, and after all the costs have been paid, the Mayor, City Clerk and engineer shall execute a certificate and file it with the Treasurer certifying that the work has been completed in accordance with such plans and specifications, that all costs have been paid, and if at any time any funds remain in the

Construction Account the same shall be transmitted to the Treasurer and deposited in the Junior Debt Service Account (EPA/SRL #L17-4844 Project), to be established in the manner set forth in Section 7 hereof and be used to redeem and/or prepay principal and/or interest on the bond and Loan Agreement issued under the terms of this Ordinance and any excess funds then remaining shall be held in such account to pay the principal of interest as the same mature and come due.

Subject to the Loan Agreement, the cost of engineering, legal and financing services, the cost of surveys, designs, soundings, borings, rights of way, inspection charges, and all other necessary and incidental expenses, including interest accruing on the obligations during the construction period to the extent such interest is not paid from income and revenue, shall be deemed items of cost of construction of the Project in accordance with the plans and specifications therefor heretofore approved by the Corporate Authorities and on file in the office of the City Clerk and referred to in the preambles hereof.

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the Project as approved by the IEPA in accordance with the terms and conditions of the Loan Agreement.

Subject to the Loan Agreement, funds may be transferred as needed from the Construction Account into the Bond and Interest Account, hereinabove described in Section 8 of this Ordinance to pay the interest accruing during the estimated time necessary to complete the acquisition, construction, extension and improvement of the System as described herein.

**Section 9. Application of Moneys in Funds.** The City covenants and agrees that it will on the first day of each month administer and allocate all of the moneys then held in the Sewerage Fund as follows:

(a) *Operation and Maintenance Account.* There shall first be paid and credited to the Operation and Maintenance Account an amount sufficient to pay the reasonable expenses of the operation, maintenance and repair of the System for the current month, including, but not limited to, salaries, wages, taxes, costs of materials and supplies, insurance, utilities, fuel, and reasonable repairs and extensions necessary to render efficient service (collectively, the “**Operation and Maintenance Expenses**”).

(b) *Senior Debt Service Account of the Bond and Interest Account.* There shall next be paid and credited monthly to the Senior Debt Service Account of the Bond and Interest Account the principal of and interest on the 1997 IEPA Loan becoming due the next succeeding payment date in such terms as described in the 1997 IEPA Resolution.

(c) *Senior Reserve Account of the Bond and Interest Account.* There shall next be paid and credited to the Senior Reserve Account of the Bond and Interest Account such amount or amounts at such times as may be required by the 1997 IEPA Resolution.

(d) *Junior Debt Service Account of the Bond and Interest Account.* There shall next be paid and credited monthly to the Junior Debt Service Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account so long as the Loan Agreement or related bonds remain outstanding and unpaid, an

amount not less than 1/12 of the amount of principal and/or interest that will become due on the next succeeding principal and or interest payment date.

The amounts required to be paid and credited to the Junior Debt Service Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account pursuant to this Section shall be paid at the same time and on a parity with the amounts at the time required to be paid and credited to the bond and interest accounts established for the payment of principal of and interest on the Parity Obligations under the provisions of the Parity Ordinances.

All amounts paid and credited to the Junior Debt Service Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account shall be expended and used by the City for the sole purpose of paying the principal of and interest on the Loan Agreement and related bond as and when the same become due.

If at any time the moneys in the Sewerage Fund are insufficient to make in full the payments and credits at the time required to be made to the Senior Debt Service Account and the Junior Debt Service Account of the Bond and Interest Account for all of the outstanding obligations payable from the Sewerage Fund, all available moneys in the Sewerage Fund shall be allocated first in accordance with the provisions of the 1997 IEPA Resolution and then shall be divided among the Parity Obligations in proportion to the respective principal amounts at the time outstanding which are payable from the moneys on deposit in the Junior Debt Service Account of the Bond and Interest Account.

(e) *Junior Reserve Account of the Bond and Interest Account.* There shall next be paid and credited monthly to the Junior Reserve Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account an amount equal to 1/24<sup>th</sup> of the Maximum Annual Debt Service related to the principal of and interest on the Loan Agreement or related bond until the amount on deposit in the Junior Reserve Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account aggregates the Maximum Annual Debt Service, as IEPA requires, and not otherwise. Such amount shall be in addition to any amounts deposited to the Senior Reserve Account of the Bond and Interest Account or deposited under the Parity Ordinances for the other Parity Obligations. Thereafter no additional funds shall be credited the Junior Reserve Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account, except that when any money is paid out and charged against the Junior Reserve Account (EPA/SRL #L17-4844 Project) of the Bond and Interest Account, credits shall be resumed at the foregoing monthly rate and continued until the aggregate amount required to be funded has been restored.

If at any time the moneys in the Sewerage Fund are insufficient to make in full the payments and credits at the time required to be made to the Senior Reserve Account or Junior Reserve Account of the Bond and Interest Account for all of the outstanding obligations payable from the Sewerage Fund, all available moneys in the Sewerage Fund shall be allocated first in accordance with the provisions of the 1997 IEPA Resolution and then shall be divided among the Parity Obligations in proportion to the respective principal amounts at the time outstanding which are payable from the moneys on deposit in the Junior Reserve Account of the Bond and Interest Account.

(f) *Depreciation Account.* After all payments and credits required at the time to be made under the provisions of paragraphs (a), (b) and (c) of this Section have been made, there shall next be paid and credited to the Depreciation Account an amount equal to 1/120 of 10% of the aggregate principal

amount of all the outstanding obligations of the City payable from a pledge of the revenues in the Sewerage Fund until the balance of the Depreciation Account accumulates the total sum of 10% of the outstanding principal balance thereof.

Moneys in the Depreciation Account shall be expended and used by the City, first as described in the 1997 IEPA Resolution or the 1997 IEPA Loan, and second after meeting the requirements of the 1997 IEPA Resolution or if the 1997 IEPA Loan has been paid in full, for the purposes of (i) making emergency repairs and replacements in and to the System as may be necessary to keep the System in good repair and working order and to assure the continued effective and efficient operation thereof and (ii) paying the principal of or interest on any of the Parity Obligations at any time when there are no other funds available for that purpose in order to prevent a default. Whenever an amount is withdrawn from the Depreciation Account for the purpose stated in clause (ii) of the preceding sentence, the amount so transferred shall be added to the amount to be next and thereafter credited to the Depreciation Account until full reimbursement to the Depreciation Account has been made; and each expenditure to be made from the Depreciation Account for the purpose stated in clause (i) of the preceding sentence shall be made only after a consulting engineer employed for that purpose has certified that such expenditure is necessary to the continued effective and efficient operation of the System, provided, however, that in the event that emergency repairs are required in order to maintain the System, or a portion thereof, in operation, such engineer's certificate may be acquired after such expenditure has been made from the Depreciation Account.

The amounts required to be paid and credited to the Depreciation Account pursuant to this section shall be in addition to any amounts at the time required to be paid and credited to the Depreciation Account under the provisions of the 1997 IEPA Resolution, the Series 2014 Ordinance and any other parity ordinances.

(g) *Surplus Account.* After all payments and credits required at the time to be made under the provisions of paragraphs (a), (b), (c) and (d) of this Section have been made, all moneys remaining in the Sewerage Fund on the first day of each month shall be paid and credited to the Surplus Account. Moneys in the Surplus Account may be expended and used for the following purposes as determined by the governing body of the City:

(i) Paying the cost of the operation, maintenance and repair of the System to the extent that may be necessary after the application of the moneys held in the Operation and Maintenance Account under the provisions of paragraph (a) of this Section;

(ii) Paying the cost of extending, enlarging or improving the System;

(iii) Preventing default in, anticipating payments into or increasing the amounts in the Bond and Interest Account or the Depreciation Account referred to in paragraphs (b) and (d) of this Section, or establishing or increasing the amount of any debt service fund or debt service reserve fund created by the City for the payment of any Parity Bonds;

(iv) Calling, prepaying, redeeming and paying prior to maturity the 1997 IEPA Loan or the Parity Obligations, or, at the option of the City, purchasing in the open market at the best

price obtainable, the 1997 IEPA Loan or any Parity Obligations, if applicable, including principal, interest and redemption premium, if any, with the 1997 IEPA Loan being prepaid first;

(v) Any other lawful purpose in connection with the operation of the System and benefiting the System; or

(vi) Any lawful purpose of the City.

(h) *Deficiency of Payments into Funds or Accounts.* If at any time the revenues are insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available revenues thereafter received from the operation of the System, such payments and credits being made and applied in the order hereinbefore specified in this Section.

(i) *Definitions.* Certain definitions related to this Section 9 and otherwise herein are as follows:

“**Gross Revenues**” means all income from whatever source derived from the System, including (i) investment income; (ii) connection, permit and inspection fees and the like; and (iii) penalties and delinquency charges; but excluding expressly (A) non-recurring income from the sale of real estate; (B) governmental or other grants; (C) advances or grants made from the City; (D) capital development, reimbursement, or recovery charges and the like; and (E) annexation or pre-annexation charges; and as otherwise determined in accordance with generally accepted account principles for municipal enterprise funds.

“**Maximum Annual Debt Service**” means, in the context of use, an amount of money equal to the highest future principal and interest requirement of the referenced outstanding obligations required to be paid from System revenues in the referenced context in any fiscal year, including and subsequent to the fiscal year in which the computation is made. Any outstanding obligations required to be redeemed pursuant to mandatory redemption shall be treated as falling due on the date required to be redeemed (except in the case of failure to make any such mandatory redemption) and not on the stated maturity date of such outstanding obligations.

“**Net Revenues**” means Gross Revenues minus Operation and Maintenance Expenses.

**Section 10. Compliance.** That the City hereby covenants and agrees with the holder of the bond and of the Loan Agreement that so long as such obligations remain outstanding and unpaid, either as to principal or interest, that any holder of an obligation issued hereunder may, either in law or in equity, by suit, action, mandamus or other proceedings enforce or compel performance by the officials of the City of all duties required by law and by this Ordinance, including the making and collecting of sufficient rates for System services and segregating the revenues of the System and the application thereof to the respective accounts created by this Ordinance and in the time and manner and with the effect as herein provided, including in accordance with the 1997 IEPA Resolution and the Parity Ordinances.

**Section 11. Additional Obligations.** Subject to the Loan Agreement, the 1997 IEPA Resolution and the Parity Ordinances, the City covenants and agrees with the holder of the Loan Agreement and the related bond that the City will not issue any other or additional bonds or other

evidences of debt service obligations of the City payable from or in any way creating a charge upon the income and revenue to be derived from the operation of the System on an equal parity with or superior to the bond and the Loan Agreement authorized hereunder, except as herein provided:

(a) The City reserves the right to issue additional obligations from time to time for the sole purpose of paying the cost of the completion of the acquisition, construction, extension and improving of the System to be made in accordance with the plans and specifications referred to in the preambles hereof for which the bond and the Loan Agreement are authorized hereunder, and any such additional bonds shall be secured ratably and equally by the revenues of the System with the obligations authorized by this Ordinance; provided, however, that the need of such financing shall be evidenced by a certificate of an independent consulting engineer in responsible charge of such construction, extension and improvement (i) giving a reasonably detailed description of the work remaining to be completed, an estimate of the cost thereof and the time of completion thereof and (ii) stating in reasonably itemized detail all expenditures made from the proceeds of the Loan Agreement and the bond authorized hereunder as to the amount and purpose; and provided, further, however, that while the State of Illinois acting through the IEPA is the holder of any of the obligations herein authorized, written approval of such financing shall be obtained from the IEPA and evidence of such approval placed on file with the City Clerk prior to the adoption of any proceedings authorizing the issuance of such additional obligations.

(b) The City further reserves the right to issue additional obligations for the acquisition and construction of further necessary improvements, extensions, repairs and rehabilitations to the properties comprising the System, such additional obligations to share ratably and equally in the revenues of the System with the revenue obligations herein authorized, only whenever all of the following conditions are met:

(i) The Net Revenues derived from the operation of the System for the completed fiscal year immediately preceding the date of the adoption of any ordinance authorizing the issuance of additional obligations shall have been equal to at least 110% of the average annual principal and interest requirements for all succeeding fiscal years on all the revenue obligations of the City payable from the revenues to be derived from the operation of the System then outstanding, including the obligations proposed to be issued, and

(ii) All the payments required to be made by the City into the Accounts set forth in Section 9 hereof, shall have been made up to and including the date of the adoption of any such ordinance authorizing the issuance of additional revenue obligations.

Such Net Revenues of the System may be adjusted as follows:

(A) In the event there shall have been an increase in the rates of the System from the rates in effect for the preceding fiscal year, which increase is in effect at the time of the issuance of any such parity obligations, the Net Revenues as described hereinabove may be adjusted to reflect the Net Revenues of the System for the immediately preceding fiscal year as they would have been had such then existing rates been in effect during all of such fiscal year.

(B) Any such adjustment shall be evidenced by the certificate of an independent consulting engineer or an independent certified public accountant employed

for that purpose, which certificate shall be filed with and approved by the Corporate Authorities prior to the sale of the proposed parity obligations.

(c) In addition to the foregoing and notwithstanding the foregoing restrictions, additional parity obligations may be issued only upon the written approval of the IEPA if it shall then be the holder or insurer of all or any part of the bond or the Loan Agreement.

(d) The City may issue subordinate obligations payable solely out of the surplus as provided above in Section 9(e) or, as applicable, under the ordinances authorizing the outstanding obligations.

**Section 12. General Covenants.** Subject to the Loan Agreement, the 1997 IEPA Resolution and the Parity Ordinances, the City covenants and agrees with any holder of the Loan Agreement and the related bond that so long as the Loan Agreement or the related bond remains outstanding and unpaid, either as to principal or interest:

(a) The City will maintain the System and all improvements and extensions thereto in continuous, effective and efficient operation, will operate the same efficiently and faithfully and punctually perform all duties with respect thereto required by the Constitution and laws of the State of Illinois, the United States and this Ordinance.

(b) The City will establish and maintain at all times reasonable charges and rates for the use and service of the System, including by the City, and provide for the collection thereof, and the segregation and application of the revenues of the System in the manner provided by this Ordinance and sufficient at all times to pay the cost of operation and maintenance, to pay the interest of and principal on all revenue obligations of the City which by their terms are payable from the revenues of the System, and to provide for the continuation and maintenance of the respective Accounts as described in Section 7 of this Ordinance, and from time to time make all needful and proper replacements thereto so that it may at all times be operated properly, advantageously, continuously, effectively and efficiently, and when any equipment or facilities shall have been worn out, destroyed or otherwise become insufficient for proper use, it shall be promptly replaced or repaired so that the value and efficiency of the such system shall be at all times fully maintained, and there shall be charged against all users of the System, including the City, such rates and amounts for services of the System as shall be adequate to meet the requirements of this section. Compensation for services rendered to the City shall be charged against the City and payment for the same from the corporate funds shall be made monthly into the City's Sewerage Fund in the same manner as other revenues are required to be deposited.

(c) The City will establish such rules and regulations for the control and operation of the System necessary for the efficient, economical and continuous operation thereof, and rates and charges shall be fixed and revised from time to time as may be necessary to produce funds sufficient for all the purposes herein provided until all of the obligations authorized by this Ordinance have been paid in full both as to principal and interest.

(d) The City will maintain and keep proper books of records and accounts (separate from all other records and accounts of the City) in which complete entries shall be made of all transactions relating to the System, and hereby covenants that it will cause the books and accounts of the System to be audited by certified public accountants and within not more than ninety (90) days after the close of

each annual fiscal period upon request will file with the IEPA, and otherwise as required by the Loan Agreement and applicable law, upon request, complete operating income statements of the System in reasonable detail covering such annual period and will permit any holder of the Loan Agreement or related bond or other obligation then outstanding to inspect at all reasonable times the System and all records and accounts and data relating thereto, and to furnish to the appropriate agency of the State of Illinois, if the Loan Agreement or related bond herein authorized may be held by the State of Illinois or any agency of the State of Illinois, all data and information relating to such System which may be reasonably requested. Each audit, in addition to whatever matters may be thought proper by the accountant to be included therein, or shall be required by the Loan Agreement, shall without limiting the generality of the foregoing, include the following:

(i) A statement in detail of the income and revenue and expenditures of the System for such fiscal year.

(ii) The accountant's comments regarding the method in which the City has carried out the requirements of this Ordinance and the Loan Agreement, and the accountant's recommendations for any changes or improvements in the financial operation of the System.

(iii) A list of all the insurance policies in force at the end of the fiscal period, setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy.

(iv) Information concerning the number of customers served by the System at the end of the fiscal period, and the totals and quantities or otherwise handled (i.e., collected or distributed) and treated by the System.

All expenses incurred in the making of such audit shall be regarded and paid as an Operation and Maintenance Expense.

(e) The City will not sell, lease, loan, mortgage or in any manner dispose of or encumber the System or any improvements and extensions thereto, except in the ordinary course of business or for the issuance of additional obligations as provided for in Section 11 of this Ordinance, until all of the obligations hereby authorized shall be paid in full, both principal and interest, or unless and until provision shall have been made for the payment thereof, and that the City will take no action in relation to the System which would unfavorably affect the security of the outstanding obligations or of the obligations herein authorized or the prompt payment of the principal thereof and interest thereon.

(f) To the extent available at reasonable cost, and not inconsistent with the Loan Agreement, the City will carry and maintain insurance upon all of the properties forming a part of the System which may be of an insurable nature, such insurance to be of the type and kind and for such amount or amounts which are usually carried by other municipalities, special districts, private companies or operators of similar properties rendering services of a similar character in similar communities, and all moneys received for losses under such insurance policies shall be deposited in a separate subaccount of the Operation and Maintenance Account and used only in making good the loss or damage in respect of which they were paid either by repairing the property damaged or making replacements to the property destroyed. Provision for making good such loss or damage shall be made within ninety (90) days from

date of the loss or damage or for the payment of the principal of and interest on the obligations authorized to be issued under the terms of this Ordinance and including the principal and interest on debt service obligations hereafter issued and on a parity with the debt service obligations herein authorized. Similarly, the City will also carry and maintain general liability coverage for any loss and shall cover all employees under worker's compensation as required by Illinois law. The payment of premiums for all insurance policies required under the provisions of this covenant shall be considered a maintenance and operation expense. The proceeds derived from any and all policies for general liability shall be paid into the Operation and Maintenance Account and used in paying the claims on account of which they were received.

(g) The City will require its Treasurer and other officers and employers having access to funds of the City to execute a fidelity bond in an amount not less than required by the Loan Agreement or applicable law, with a responsible surety company.

(h) The City, prior to the beginning of each fiscal year for the System while the obligations hereunder are outstanding, will prepare a proposed budget, or appropriation ordinance, in compliance with applicable law for its ensuing fiscal year covering the operation of the System, its anticipated revenues and operation and maintenance expenses and the payments to be made into the various funds as provided in this Ordinance during such fiscal year, and the City covenants that a copy of such budget or appropriation ordinance upon request will be forwarded promptly to the IEPA.

**Section 13. Contract.** The provisions of this Ordinance shall be subject and subordinate to the 1997 IEPA Loan, and in that case the Loan Agreement and related bond shall be payable solely and only from the surplus revenues while the 1997 IEPA Loan is outstanding and unpaid, and shall constitute a contract between the City and the holders of the obligations hereby authorized to be issued and after the issuance thereof, no changes, additions or alterations of any kind shall be made herein, except as herein provided, until such time as all of the obligations issued hereunder and the interest thereon shall be paid in full, or unless and until provision shall have been made for the payment of all such obligations and interest thereon in full. This obligation under this Ordinance may from time to time be modified or amended by a supplemental ordinance duly adopted by the Corporate Authorities with written consent of the holders of not less than a majority of the principal amount of all obligations authorized by this Ordinance and all obligations hereafter issued on a parity therewith then outstanding (excluding any of the obligations owned by or under the control of the City), and by the State of Illinois, acting through the IEPA, or its successor agency, if it shall then be the holder or insurer of the principal and interest of any of such outstanding obligations; and provided, however, that no such modification or amendment shall extend or change the due date or maturity of, or date of redemption or prepayment prior to maturity, or reduce the interest rate on, or otherwise alter or impair the obligation of the City to pay the principal of and interest on any debt service obligations herein authorized at the time, place and at the rate and in the currency provided therein of any obligation herein authorized then outstanding, without the express consent of the holders of all such obligations, nor shall any such modification or amendment permit the creation of a preference or priority of any obligation or obligations over any other obligation or obligations, nor reduce the percentages of the holders of outstanding obligations required for the written consent of such modification or amendment. Each such consent must be accompanied by proof of ownership of the obligations for which consent is given, which proof must be in a form approved by the

Corporate Authorities; and each such consent and proof of ownership must be on file with the City Clerk prior to the adoption of such modifying or amendatory ordinance.

**Section 14. Further Authorization.** The Mayor, City Clerk, Treasurer and the other officials of the City are hereby authorized, empowered and directed to do all such acts and things and to execute, acknowledge and deliver all such documents (including, without limiting the generality of the foregoing, any agreement requested by the IEPA, any closing certificate, non-arbitrage certificate or tax compliance agreement in connection with the Loan Agreement and the related bond) as may in his, her or their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Ordinance and the Loan Agreement, and all of the acts and undertakings of such officials which are in conformity with the intent and purposes of this Ordinance, whether heretofore or hereafter taken or done shall be and the same are hereby in all respects, ratified, confirmed and approved. Appropriate completion of the Loan Agreement by the Mayor prior to execution and delivery is hereby expressly authorized and approved, not inconsistent with the terms and provisions of this Ordinance.

**Section 15. Invalidity.** That if any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. To the extent that any provision of this Ordinance is inconsistent with the Loan Agreement, the Loan Agreement shall be controlling.

**Section 16. Effective.** This Ordinance shall become effective immediately after its adoption and approval.

**Section 17. Repeal.** All ordinances or parts thereof, including specifically Ordinance No. 2015-5380, in conflict herewith are hereby repealed, and this Ordinance shall be in full force and effect forthwith upon its adoption.

Upon motion by Commissioner Owen, seconded by Commissioner Hall, adopted this 15<sup>th</sup> day of December, 2015, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cox, Commissioner Graven,</u> <u>Commissioner Hall, Commissioner Owen,</u> <u>Mayor Gover</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 15<sup>th</sup> day of December, 2015.

/s/Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ Janett S. Winter-Black  
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for comments/questions/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2015-2953, appropriating \$566,100 of Motor Fuel Tax funds for the 2016 Street Maintenance uses; approving the 2016 MFT Street Municipal Estimate of Maintenance Costs Statement in the amount of \$566,100; and authorizing the mayor and city clerk to sign the documents. [16-00000-00-GM]

**CITY OF MATTOON, ILLINOIS**  
**Resolution No. 2015-2953**



**Resolution for Maintenance of**  
**Streets and Highways by**

BE IT RESOLVED, by the City Council \_\_\_\_\_ of the City \_\_\_\_\_  
of Mattoon \_\_\_\_\_, Illinois, that there is hereby appropriated the sum of \$566,100.00 of  
Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable  
provisions of the Illinois Highway Code from January 1, 2016 to December 31, 2016.

BE IT FURTHER RESOLVED, that only those street, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance Motor Fuel funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures form and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this Resolution to the district office of the Department of Transportation, at Effingham, Illinois.

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I, Susan J. O'Brien \_\_\_\_\_ Clerk in and for the City \_\_\_\_\_  
of Mattoon \_\_\_\_\_, County of Coles \_\_\_\_\_

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the City Council at a meeting on December 15, 2015

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15th day of December, 2015.

(SEAL) Susan J. O'Brien City Clerk

APPROVED _____
Date _____
Department of Transportation
Regional Engineer

Mayor Gover opened the floor for comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Owen seconded by Commissioner Cox moved to adopt Ordinance No. 2015-5382, amending Chapter 36 of the municipal code regarding the increase of electricity tax and the renewal of municipal meters exemptions.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2015-5382**

**AN ORDINANCE AMENDING CHAPTER 36 OF THE MUNICIPAL CODE REGARDING TAXATION**

**WHEREAS**, Chapter 36 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the taxation within the City limits; and

**WHEREAS**, on the 3<sup>rd</sup> day of May, 1966 the City Council of the City of Mattoon, Illinois, passed Ordinance No. 66-4054, which Ordinance imposed a tax on all persons engaged in the business of transmitting messages by means of electricity, distributing, supplying, furnishing or selling gas, electricity or water for use or consumption within the corporate limits of the City of Mattoon, and not for resale, at the rate of 5% of the gross receipts therefrom; and

**WHEREAS**, Ordinance No. 81-4417 amended Ordinance 66-4054; Ordinance No. 94-4471 amended Ordinance 81-4417; Ordinance No. 96-4846 amended Ordinance No. 94-4471; Ordinance No. 98-4958 amended Ordinance 96-4846; and Ordinance No. 99-4989 provided for a method of collecting taxes for the privilege of using electricity based upon Kilowatt-Hour usage of individual customers.

**WHEREAS**, the current ordinances 98-4958 and ordinance 99-4989 are outdated and in need of updating;

**WHEREAS**, after careful consideration, the City Council of the City of Mattoon, Illinois, deems it to be in the best interests of the citizens of the City of Mattoon to have specific provisions addressed within the taxation code including an exemption for any accounts of the City of Mattoon from the taxes imposed by this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Taxation.** Sections §36.07 and §36.22 of Chapter 36 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

**§ 36.07 ELECTRICITY TAX.**

(A) (1) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser.

- (a) For the first 2,000 kilowatt-hours used or consumed in a month: 0.61 cents per kilowatt-hour;
  - (b) For the next 48,000 kilowatt-hours used or consumed in a month: 0.40 cents per kilowatt-hour;
  - (c) For the next 50,000 kilowatt-hours used or consumed in a month: 0.36 cents per kilowatt-hour;
  - (d) For the next 400,000 kilowatt-hours used or consumed in a month: 0.35 cents per kilowatt-hour;
  - (e) For the next 500,000 kilowatt-hours used or consumed in a month: 0.34 cents per kilowatt-hour;
  - (f) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.32 cents per kilowatt-hour;
  - (g) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.315 cents per kilowatt-hour;
  - (h) For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.31 cents per kilowatt-hour;
  - (i) For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.305 cents per kilowatt-hour;
  - (j) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month: 0.30 cents per kilowatt-hour;
- (1) The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in ILCS Ch. 65, Act 5, § 8 -11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in ILCS Ch. 65, Act 5, § 8-11-2 (as

modified by Public Act 90-561). Pursuant to ILCS Ch. 65, Act 5, § 8-11-2, the rates set forth in division (A) above shall be effective:

- (a) On August 1, 1999 for residential customers; and
  - (b) On the earlier of the last bill issued prior to December 31, 2000, or the date of the first bill issued pursuant to ILCS Ch. 220, Act 5, § 16-104, for nonresidential customers.
- (2) Pursuant to ILCS Ch. 65, Act 5, § 8-11-2, Ordinance No. 98-4958 (commonly known as the Gross Receipts Utility Tax) shall specifically remain in effect:
- (a) For receipts attributable to residential customers, until July 31, 1999; and
  - (b) For receipts attributable to nonresidential customers, the earlier of through the last bill issued prior to December 31, 2000, or the date of the first bill issued to such nonresidential customer pursuant to ILCS Ch. 220, Act 5, § 16-104.

(B) *Exceptions*

(c) None of the taxes authorized by this section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this section for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act as authorized by ILCS Ch. 65, Act 5, § 8-11-1; nor shall any tax authorized by this section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

(d) The City of Mattoon, Illinois, an Illinois municipal corporation, and any account of the City of Mattoon, Illinois are hereby exempt from the taxes imposed by this section.

(C) *Additional taxes.* Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(D) *Collection.* The tax authorized by this section shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this section and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. On or before the last day of each month, persons delivering electricity shall make a return to the city for the preceding month and shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this section.

(E) *Reports to municipality.*

(1) On or before the last day of each month, each taxpayer who has not paid the tax imposed by this section to a person delivering electricity as set forth in division (D) of this section and who is not otherwise exempted from paying such tax shall make a return to the City Treasurer for the preceding month stating:

- (a) His or her name
- (b) His or her principal place of business;
- (c) His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (d) Amount of tax.
- (e) Such other reasonable and related information as the corporate authorities may require.

(2) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City of Mattoon, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

(F) *Credit for overpayment.* If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section, from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited. No action to recover any amount of tax due under the provisions of this section shall be commenced more than years after the due date of such amount.

(G) In the event that Public Act 90-561 is declared unconstitutional, or if the provisions provided herein created by this section are voided by court action, the provisions of Ordinance No. 98-4958 (commonly known as the Gross Receipts Utility Tax - see §§ [36.20](#) through [36.26](#) of this chapter) shall remain in effect in all respects as if it had never been amended by this subchapter, and any amounts paid to the city by any person delivering electricity pursuant to this subchapter shall be deemed to have been paid pursuant to the Gross Receipts Utility Tax as it existed prior to the passage of this subchapter. (Ord. 99-4989, passed 6-1-1999)

§ 36.22 EXCEPTIONS.

(A) No tax is imposed by this subchapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this subchapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by ILCS Ch. 65, Act 5, § 8-11-1.3.

(B) The City of Mattoon, Illinois, an Illinois municipal corporation, and any account of the City of Mattoon, Illinois are hereby exempt from the taxes imposed by this section.

**Section 3. Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid

provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

**Section 4.** This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Commissioner Owen, seconded by Commissioner Cox, adopted this 15th day of December, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 15<sup>th</sup> day of December, 2015

/s/ Tim Gover  
Tim Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ Janett S. Winter-Black  
Janett Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for comments/questions/discussion. Administrator Gill noted no revisions for 15-16 years, explained a 900kw National User would see an increase of \$1.42/month, and noted the increase is not large. Commissioner Cox noted by combining the aggregation savings and this increase, the residents would still be saving money.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover opened the Public Hearing on the proposed tax levy for 2015 at 6:44 p.m. on December 15, 2015 in the City Hall Council Chambers. Finance Director/Treasurer Beth Wright explained the requirement of requesting more than 105% of previous year's extension of 4.86 to 5.47%. Treasurer Wright noted the 2014 property tax was \$4,085,547 and 2015 is \$4,400,330; explained PTELL, commercial properties, and attempting to capture as much of the new construction as possible. With new construction not received from the County, an estimate of what the construction could be and would be applied to the levy. Administrator Gill opened the floor for questions. Mayor Gover opened the floor for questions of the Council or Public. With no response from the Council or Public, Mayor Gover closed the Public Hearing at 6:47 p.m.

Commissioner Owen seconded by Commissioner Cox moved to adopt Special Ordinance No. 2015-1612, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2015 and ending April 30, 2016.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2015-1612**

**AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2015 AND ENDING APRIL 30, 2016**

**BE IT ORDAINED** by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

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**Section 1. Assumed Equalized Assessed Valuation.** The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$190,432,435 to \$196,975,858, three and forty-four tenths percent (3.44%) over the previous fiscal year.

**Section 2. Tax Levy.** The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2015 and ending April 30, 2016. The total property tax levy extension is attached hereto and marked as “Exhibit A” and incorporated herein by reference.

**Section 3. Maximum Rates for Certain Services.** If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection and Fire Protection.

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**Section 4. Tax Abatement for General Obligation Bonds.** Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon’s General Obligation Bonds, the 2015 tax levy (to be received in 2016) is hereby abated for the following General Obligation Bonds:

<u>Bond Ordinance Number</u>	<u>Issue</u>	<u>Tax Levy Years</u>
Series 2009A General Obligation Bonds	2009 thru 2027	Special Ordinance 2009-5275
Series 2009B General Obligation Bonds	2009 thru 2027	Special Ordinance 2009-5276
Series 2011 Water Refunding Bonds	2011 thru 2015	Special Ordinance 2011-5326
Series 2014 General Obligation Refunding Bonds	2014 thru 2024	Ordinance 2014-5368

The levy for paying principal and interest on these bonds shall only be abated for the 2014 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

**Section 5. Amount to be Raised by Tax Levy.** The amount to be levied for each purpose is placed in a separate column under the heading "Amount to be Raised by Tax Levy", which appears over same being as follows, to wit:

	Amount <u>Budgeted</u>	Amount To Be Received from <u>Other Sources</u>	Amount To Be Raised By <u>Tax Levy</u>
<b>General Fund</b>			
General Government	972,728	184,825	787,903
Public Safety	10,901,579	7,839,678	3,061,901
Public Works	1,795,741	1,795,741	-0-
Health & Welfare	1,418,710	1,418,710	-0-
Culture & Recreation	986,673	838,941	147,732
Economic Development	50,000	50,000	-0-
Debt Service	407,599	407,599	-0-
Other Financing Uses	<u>1,232,386</u>	<u>1,232,386</u>	<u>-0-</u>
Total General Fund	\$ 17,765,416	\$ 13,767,880	\$ 3,997,536

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	787,903
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	295,464
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	295,464
Parks (65 ILCS 5/11-98-1): 0.075 Limit	147,732
Firemen's Pension (40 ILCS 5/4-118) No Limit	1,250,946
Firemen's Pension (35 ILCS 200/18-185) No Limit	33,517
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>1,186,510</u>
	\$ 3,997,536

	Amount <u>Budgeted</u>	Amount To Be Received from <u>Other Sources</u>	Amount To Be Raised By <u>Tax Levy</u>
<b>Other Governmental Funds:</b>			
Library Fund	\$ 544,789	\$ 91,745	\$ 453,044
Motor Fuel Tax Fund	926,600	926,600	-0-
Hotel & Motel Tax Fund	326,452	326,452	-0-
Festival Management Fund	184,400	184,400	-0-
Mobile Equipment Fund	500,900	500,900	-0-
Insurance & Tort Judgment Fund	918,434	918,434	-0-
Revolving Loan Fund	59,344	59,344	-0-
Midtown TIF Fund	1,043,200	1,043,200	-0-
East I-57 TIF Fund	7,723	7,723	-0-
South Route 45 TIF District Fund	72,274	72,274	-0-
South Route 45 Business District Fund	45,000	45,000	-0-
Broadway East TIF District Fund	11,579	11,579	-0-
Broadway East Business District Fund	368,930	368,930	-0-

Capital Improvement Fund	<u>\$4,520,423</u>	<u>\$4,520,423</u>	<u>-0-</u>
Total Other Governmental Funds	\$9,530,048	\$9,077,004	\$ 453,044

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit \$ 453,044

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
<b>Enterprise Funds:</b>			
Water Fund	\$ 4,532,421	\$ 4,532,421	-0-
Sewer Fund	<u>14,827,503</u>	<u>14,827,503</u>	<u>-0-</u>
Total Enterprise Funds	\$ 19,359,924	\$ 19,359,924	-0-
<b>All Fund Totals</b>	<b>\$ 46,655,388</b>	<b>\$42,204,808</b>	<b>\$4,450,580</b>

**Section 6.** The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

**Section 7.** If any section, subdivision or sentence of this ordinance shall for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

**Section 8.** This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Commissioner Owen, seconded by Commissioner Cox, adopted this 15<sup>th</sup> day of December, 2015, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names) None

Approved this 15<sup>th</sup> day of December, 2015.

/s/ Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ Janett S. Winter-Black  
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on December 15, 2015.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

## DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT noted several meetings and depositions for the Former Young's Radiator and scheduled hearing. Mayor Gover opened the floor for questions. Commissioner Graven asked for a Denny's update. Administrator Gill stated the owners had closed on the property and the replacement contractor met with the Code officials and are obtaining sub-contractors. Commissioner Cox inquired as to the Burgess Osborne Auditorium update. Director Barber noted the finishing of electrical work and will take bids for other repairs. Mayor Gover opened the floor for additional questions with no response.

CITY ATTORNEY had nothing new to report. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted enrollments into the optional insurance supplement and renewing of liquor licenses, otherwise, business as usual. Mayor Gover opened the floor for questions. Commissioner Owen inquired as to the enrollments with Clerk O'Brien stating the response was well received.

FINANCE reviewed the Financial report for November '15; noted receipt of three months of Use Tax, five months of Video Gaming Tax, and three months of MFT receipts, which were delinquent by the State. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated the Council on the Public Works Building site, concrete patching of Lafayette Avenue in Crestview, and plumbing scheduled in January for the Burgess Osborne Auditorium. Mayor Gover inquired as to the Crestview sign with Director Barber stating Crestview's homeowners association was to replace the sign out of the road in the southwest corner. Mayor Gover, Commissioner Hall and Director Barber discussed Sarah Bush Lincoln Health Center's Executive Director Tim Ohls' request to connect to the bike trail. Mayor Gover called for further questions with no response.

FIRE provided an informational statement regarding Operation Sleigh Ride which benefited 64 TLC and 64 DDC school children with gift cards from Walmart, and invited the Council to attend the parties to celebrate Christmas at the schools. Mayor Gover opened the floor for questions with no response.

POLICE discussed the Shop with a Cop event which raised \$27,000 and distributed \$18,000 at Walmart along with \$150 gift cards to Mark's My Store. The event helped 78 children and was implemented with Officers John Hedges and Adam Jenkins and many other Mattoon officers as well as officers/auxiliary and spouses from EIU, LLC, and Chaplin Brad Brown. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM Commissioner Hall reported Lightworks counts were up in both vehicles and donations. Commissioner Cox commented on the out-of-state visitors.

## COMMENTS BY THE COUNCIL

Commissioner Graven thanked those who contributed to the Shop with a Cop and One Stop Community Christmas and for Lake Land College in hosting the One Stop Community Christmas program. Council wished everyone season's greetings.

Commissioner Hall seconded by Commissioner Cox moved to adjourned at 7:08 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien  
City Clerk